

21 C.J.S. Courts § 266

Corpus Juris Secundum | May 2023 Update

Courts

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VIII. Concurrent and Conflicting Jurisdiction

A. Courts of Same State

2. Transfer of Cases

b. Mode of and Procedure for Transfer; Denial of Transfer

§ 266. Transfer order; notice of order transferring case

[Topic Summary](#) | [References](#) | [Correlation Table](#)

West's Key Number Digest

West's Key Number Digest, Courts  487(7)

Ordinarily, the transfer of a case from one court to another must be effected by an order directing the transfer.

An order of transfer entered on the journal or minutes of the court transferring the case confers jurisdiction on the court to which the transfer is made although the order is not included in the transcript transmitting the proceedings nor docketed in the court to which the case is transferred.¹

Generally, where transfer is a matter of right, the parties have no right to notice of the transfer prior to the order of removal.² However, the court to which a case is transferred acquires no jurisdiction where a certified copy of the order of removal is not served on the adverse party as required by statute.³

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Footnotes

1

Okla.—[Martin v. Brannon](#), 1931 OK 251, 149 Okla. 143, 299 P. 877 (1931).

Tex.—[Johnson v. Williams](#), 24 S.W.2d 79 (Tex. Civ. App. Eastland 1929), writ refused, (Oct. 15, 1930).

Notation on court's docket is sufficient transfer order

Ala.—[Cook v. Cook](#), 396 So. 2d 1037 (Ala. 1981).

2

Ala.—[Ex parte Clayton](#), 514 So. 2d 1013 (Ala. 1987).

3

Conn.—[O'Leary v. Waterbury Title Co.](#), 117 Conn. 39, 166 A. 673 (1933).

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